

COUNTY OF YORK

MEMORANDUM

DATE: September 17, 2002 (BOS Mtg. 9/17/02)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Dirt Street Improvement Program: Kay Lane

At the June 4, 2002 Board of Supervisors meeting, Resolution (R02-90) was approved authorizing County staff to proceed with the Kay Lane improvement project. Two specific actions directed in the resolution were to authorize Dominion Virginia Power to relocate power lines and to complete the dedication of County rights-of-way along Kay Lane to the Virginia Department of Transportation (VDOT). Both actions are complete, and installation of new above- and below-ground utilities is nearing completion. The only remaining portions of the project, not yet executed, are the pavement and drainage improvements to be accomplished by VDOT in early spring 2003.

As noted in the memorandum for Resolution (R02-90), to initiate the Kay Lane improvement project in the secondary roads system, VDOT requires a resolution stating the project complies with specified eligibility criteria for acceptance and showing the number and date of the instrument used to record the right-of-way dedication. The Proposed Resolution (R02-124) addresses eligibility criteria relative to Kay Lane and provides necessary information on the right-of-way dedication in the form VDOT has requested.

The following comments provide further clarification on some of the eligibility criteria addressed in proposed Resolution (R02-124):

- **Time in Service** – The road must have been in public use prior to July 1, 1988. County records show the homes on Kay Lane were built between 1950 and 1982, indicating public use well before 1988.
- **Number of Occupied Homes** – VDOT requires the street to serve at least 3 occupied homes per mile. Kay Lane is only one-tenth of a mile long and serves 11 residences.
- **Absence of Speculative Interests** – VDOT requires a determination of no “speculative interests” to proceed with the project. Speculative interests are present when a developer owns adjacent property, and the developer is still responsible for road maintenance. With respect to Kay Lane, Staff has determined there are no speculative interests as Kay Lane is a fully developed cul-de-sac in a confined area with all lots privately owned.

- **Clear and Unrestricted Right-of-Way** – Rights-of-way were voluntarily granted by all property owners, except one. With regard to this property, the County acquired the necessary right-of-way by executing and recording a “Certificate of Take,” using the same procedure that we often use for the acquisition of sewer and waterline easements. The County may delay filing an actual condemnation petition and completing the acquisition process until after the road improvement project is complete. VDOT frequently uses the same procedure for road improvement projects (in fact, the “quick-take” procedure used by the County is actually one which was created originally for use by the state, and has since been made available to local governments) and has indicated that the recorded certificate represents sufficient assurance of title for this project.

RECOMMENDATION

It is recommended that the Board adopt attached proposed Resolution R02-124 requesting the Virginia Department of Transportation to perform improvements to Kay Lane under the rural additions program and upon completion to accept Kay Lane into the state secondary road system.

Peters/3383:rlp

Attachments:

Resolution R02-90

Kay Lane Plat

Proposed Resolution R02-124